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ADMINISTRATION OF JUSTICE

Written statement* submitted by Pax Christi International,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 July 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

Kidnapping for Ransom and Hostage Taking

Pax Christi International opposes the practice of hostage taking, commonly known as kidnapping for ransom, in all forms and all situations. Recalling U.N. Human Rights Commission Resolutions 1997/28, 1998/73 and 1999/29 as well as statements made at the Sub-Commission at its forty-seventh, forty-eighth and forty-ninth session and the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, Pax Christi International reiterates that kidnapping is a clear violation of minimum humanitarian norms applicable at all times and of common article 3 of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 applicable to situations of internal armed conflict.

Pax Christi International expresses its concern that kidnapping, in different forms and manifestations, have increased in many regions of the world. According to a survey released by the Hiscox insurance group in 2000, kidnap for ransom reached record levels in 1999, and has increased by 70% over the previous eight years. Latin America has the highest incidence of kidnap for ransom.

Chechnya, prior to the Russian military incursion, witnessed a high rate of kidnapping of foreign nationals for ransom. While the kidnapping of foreign nationals has reduced thereafter, the total number of kidnappings increased. Soldiers and officers of the Russian army reportedly started routinely detaining Chechen civilians, only to release them for ransom. Because Russian army officials are considered to be state actors, the crime is commonly reported as 'arbitrary detention and extortion'. But in fact it is also a type of extortive kidnapping. Kidnapping by state actors, as well as non-state armed groups are violations of human rights and international humanitarian law.

In its recently published report, "The Kidnapping Industry in Colombia," Pax Christi Netherlands, a member organisation of Pax Christi International, states that at least one country in four around the world is affected by the practice of kidnapping. The report cites Colombia as having the highest rate of kidnappings, including the practices of mass kidnappings and the kidnapping of small children. In 1998, the total number of kidnappings in Colombia rose to more than 2000 cases, and only two years later a record of 3706 kidnap-cases were registered by the Colombian NGO Fundación País Libre.

Taking hostage of unarmed, defenceless individuals not only paralyses the individual victim, but also affects the psychological and economic integrity of an entire family, where it is the subject of ransom demands. This usually means that after the tragedy of a kidnapping has come to an end, the victims not only suffer from long-lasting personal trauma but also find themselves in great debt. In the case of Colombia, the ransom payments often lead to the bankruptcy of the victim's (family) business or to long-running bank debts that usually attract incredibly high interest rates.

Moreover it creates an impossible moral dilemma for those upon whom demands for ransoms are made. On the one hand, paying ransom seems the only way to save the life of the victim. On the other hand, it continues the cycle of violence and in fact has a spiralling effect.

Following the kidnappings of a group of tourists in April 2000 and subsequent acts of kidnapping in the same year, the Abu Sayyaf group in Southern Philippines was able to realize substantial military growth. They not only bought new arms and ammunition, but also recruited new members. The Abu Sayyaf had consisted of only a few hundred rebels, but after the ransom payment it became a rebel group of more than a thousand members.

Pax Christi International firmly believes that the practice of kidnap for ransom, carried out by either state or non-state actors, actively contributes to the fuelling of wars. It calls upon the governments of countries in which kidnap for ransom fuels violence and internal instability to seriously consider solutions to the problems of violence and impunity. Governments should address the lack of legal tools as well as the widespread corruption and extortion that contribute to the increase in kidnapping. Political will to tackle these issues are indispensable.

Pax Christi reiterates the need emphasised by Mrs. Mary Robinson in Bogotá in December 2000 for a global accord on human rights and international humanitarian law. This accord would consist of a commitment to concrete acts, which could be independently verified by third parties decided upon beforehand. Such an accord could be proposed by either a state or non-state party to an internal armed conflict, or by civil society, or by facilitators or mediators.

Pax Christi International supports the facilitation of inter-state prosecution of armed groups that practice kidnapping as an instrument of war. The International Criminal Court, once in function, will have jurisdiction over hostage-taking by armed groups, Pax Christi International calls upon all countries who are not party to the Rome Statute to take immediate steps towards its ratification. Apart from its jurisdiction to try parties involved in the practice of kidnap for ransom, the International Criminal Court could serve as a deterrent, as well as a mechanism to accelerate peace negotiations.

Pax Christi International calls upon the European Union and the international community to initiate discussion on a global policy on ransom payments, which should include the promotion of public discussion on the issue of payment or non-payment of ransoms.

Pax Christi International, calls on all state and non-state parties world-wide to consider these and all other necessary measures, in accordance with relevant provisions of international law and international standards of human rights, to prevent, combat and punish acts of kidnapping, including strengthening international cooperation in this field.